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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-fourth session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will be held at the United Nations Office at Geneva from 3 to 28 August 1992. The first meeting will be convened at 10.30 a.m. on Monday, 3 August 1992.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-sessional working groups

3. In accordance with previous decisions, the forty-fourth session of the Sub-Commission will be preceded by three working groups as follows:

(a) Working Group on Communications, established pursuant to paragraph 1 of Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970. This Working Group of five members of the Sub-Commission will meet for two weeks prior to the forty-fourth session, that is from 20 to 31 July 1992;

(b) Working Group on Contemporary Forms of Slavery, established pursuant to Economic and Social Council decisions 16 (LVI) and 17 (LVI) of 17 May 1974. This Working Group of five members of the Sub-Commission will meet for eight working days prior to the forty-fourth session, that is from 4 to 13 May 1992;

(c) Working Group on Indigenous Populations, established pursuant to Economic and Social Council resolution 1982/34 of 7 May 1982. At its forty-third session, the Sub-Commission, by its resolution 1991/30 of 29 August 1991 endorsed by Commission on Human Rights resolution 1992/44 of 3 March 1992, recommended to the Economic and Social Council that the Working Group on Indigenous Populations should be authorized to meet for 10 working days prior to the forty-fourth session, for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and organizations of indigenous peoples. The Working Group will meet from 20 to 31 July 1992;

(d) Working Group on methods of work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, established by Sub-Commission decision 1991/117 of 30 August 1991 and endorsed by Commission on Human Rights resolution 1992/66 of 4 March 1992. The Working Group, which is established on an exceptional basis and whose members have been appointed by the Chairman of the forty-third session of the Sub-Commission, is to meet prior to the forty-fourth session of the Sub-Commission, from 11 to 14 May 1992.

In-session working groups

4. Since its thirty-fourth session in 1981, the Sub-Commission has established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. The Sub-Commission may wish to consider establishing such a working group at its forty-fourth session.

5. The annotations to the items listed in the provisional agenda will be issued as an addendum to the present document.

Provisional agenda

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

(a) Question of the human rights of persons subjected to any form of detention or imprisonment;

(b) Question of human rights and states of emergency;

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

(d) The right to a fair trial.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

12. Human Rights and scientific and technological developments.

13. Encouragement of universal acceptance of human rights instruments.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

15. Discrimination against indigenous peoples.

16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Prevention of discrimination and protection of women.

18. Protection of minorities.

19. The right of everyone to leave any country, including his own, and to return to his country.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fifth session of the Sub-Commission.

21. Adoption of the report of the forty-fourth session.

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Forty-fourth session

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Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1992/1.

3. At its thirty-eighth session, the Sub-Commission, by its decision 1985/109, decided to observe at the commencement of its future annual sessions, beginning with the thirty-ninth session, a minute of silence in honour of the victims of apartheid in South Africa.

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1 and decision 1988/104).

5. As a result of those decisions, the Sub-Commission has considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

6. By its decision 1990/113, adopted at its forty-second session, the Sub-Commission decided to suspend the debate on the agenda item entitled "Human rights and disability" and to include it in the provisional agenda for its forty-third session as a matter of the highest priority. At its forty-third session, the Sub-Commission considered the item under agenda item 12.

7. By its decision 1991/117, adopted at its forty-third session, the Sub-Commission decided to establish, on an exceptional basis in 1992, an inter-sessional working group on the methods of work of the Sub-Commission. At its forty-eighth session, the Commission on Human Rights, by its resolution 1992/66, requested the working group to prepare a list of specific proposals for examination and adoption by the Sub-Commission at its forty-fourth session. This question would be considered under the item entitled "Review of the work of the Sub-Commission".

8. By its decision 1991/106, adopted at its forty-third session, the Sub-Commission decided to suspend the debate on the agenda item entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life", and to include the item in the provisional agenda of its forty-fourth session.

9. At its forty-first session, by its resolution 1989/41, the Sub-Commission decided to consider matters related to slavery and slavery-like practices in subsequent sessions under the agenda item entitled "Contemporary forms of slavery".

10. The Sub-Commission may wish to recall the following decisions that it took at its forty-third session:

(a) By its decision 1991/115, the Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1991/L.49, entitled "Validity of reservations to the Convention on the Elimination of all Forms of Discrimination against Women", until its forty-fourth session. For the text of the draft resolution and the amendments thereto, see paragraph 427 of the report of the Sub-Commission on its forty-third session (E/CN.4/1992/2);

(b) By its decision 1991/116, the Sub-Commission decided to suspend further consideration of draft resolution E/CN.4/Sub.2/1992/L.2, entitled "Respect for the right to life: elimination of chemical weapons", until its forty-fourth session. For the text of the draft resolution, see paragraph 52 of the report of the Sub-Commission on its forty-third session (E/CN.4/1992/2).

Organization of work

11. With regard to the question of the organization of work of the present session, the Sub-Commission may recall that paragraph 2 of rule 24 of the rules of procedure of the Economic and Social Council provides that, except for the regional commissions, the commissions and committees of the Council shall not create either standing or ad hoc inter-sessional subsidiary bodies without prior approval of the Council.

12. Four working groups are scheduled to meet prior to the forty-fourth session of the Sub-Commission: the Working Group on Methods of Work of the Sub-Commission (see annotations to item 4), the Working Group on Communications (see annotations to item 9), the Working Group on Indigenous Populations (see annotations to item 15) and the Working Group on Contemporary Forms of Slavery (see annotations to item 16). The Working Group on the Methods of Work of the Sub-Commission met from 11 to 15 May 1992. The Working Group on Contemporary Forms of Slavery met from 4 to 13 May 1992. The Working Group on Communications and the Working Group on Indigenous Populations are scheduled to meet from 20 to 31 July 1992.

13. At its thirty-fourth and subsequent sessions, the Sub-Commission had established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. The Sub-Commission may wish to consider establishing such a working group at the present session.

14. When considering its organization of work, the Sub-Commission may wish to take into account Commission resolution 1992/66, by which the Commission, inter alia,

(a) Reaffirmed that the Sub-Commission on Prevention of Discrimination and Protection of Minorities could best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

(b) Called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

(c) Reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the research and the results of the examination to the Commission;

(d) Requested the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;

(e) Invited the Sub-Commission to continue to give due regard to new developments in the field of human rights.

15. By the same resolution, the Commission invited its Chairman to inform the Sub-Commission on the debate in the Commission on the work of the Sub-Commission.

16. The Sub-Commission will recall its decision 1990/122, by which it decided that draft resolutions and decisions should not be introduced by one of the sponsors, and urged members not to make general comments on the draft, but rather to offer only concrete proposals on the texts.

17. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission henceforth to submit to the Commission, after a thorough examination, the studies and reports prepared by the special rapporteurs of the Sub-Commission with a brief written introductory statement by the special rapporteur, and to discontinue the practice of requesting special rapporteurs to introduce their reports personally to the Commission. The Council further requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by

the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. In this connection, reference should be made to Economic and Social Council resolution 1982/50 and the annex thereto, Commission resolutions 17 (XXXVII) of 10 March 1981, 1983/22, 1983/28, 1988/43, 1989/32 and 1991/56, as well as the instructions issued by the Secretary-General with respect to documentation for meetings (ST/SGB/184/Add.1 and ST/AI/189/Add.20/Rev.1).

Interpretation of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

18. At its forty-second session, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 (decision 1990/105) and agenda item 9 (decision 1990/111).

19. At the same session, the Sub-Commission adopted resolution 1990/4, by which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

> "It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

20. At its forty-seventh session, the Commission, by its resolution 1991/81, recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members. This recommendation was adopted by the Economic and Social Council at its first regular session of 1991, by its resolution 1991/32.

Item 3. Review of the work of the Sub-Commission

21. This item was first on the Sub-Commission's agenda at its thirty-fifth session, in accordance with its decision 2 (XXXIV) of 3 September 1981. Subsequently, the Economic and Social Council, by resolutions 1983/32 and 1986/35; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56 and 1992/62 and decision 1986/102; and the Sub-Commission, by resolutions 1983/21, 1984/37 and 1985/24 and decisions 1990/101 and 1991/117, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In its resolution 1991/56, the Commission requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines provided by the Commission in that resolution. The Chairman of the Sub-Commission submitted his report to the Commission at its forty-eighth session (E/CN.4/1992/46).

22. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/66 entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, in addition to the points described in paragraph 14 above, endorsed the establishment by the Sub-Commission, by its decision 1991/117 of 30 August 1991, on an exceptional basis, of an inter-sessional working group on the rationalization of the work and the agenda of the Sub-Commission. The Commission recommended that the Working Group should be composed of one representative of each regional group; requested the Working Group to prepare a list of specific proposals, in draft decision format, for examination by all the experts of the Sub-Commission and adoption by the Sub-Commission at its forty-third session, taking into consideration the proposals and recommendations studied by the Sub-Commission at its forty-third session and, in particular, by its ad hoc sessional working group, established in its decision 1989/104; and invited the Working Group to make recommendations on the following points, taking into consideration the report of the Chairman of the Sub-Commission on the work of its forty-third session (E/CN.4/1992/46):

(a) Initiatives for a better coordination with the Commission on Human Rights and the other competent organs of the United Nations acting in the field of human rights;

(b) Strengthening the independence of its experts;

(c) Initiatives aimed at improving the working methods of the Sub-Commission, particularly concerning:

(i) The allocation of speaking time among the experts;

(ii) The preliminary assessment, the preparation and the timeframe for the completion of studies and reports, as well as the elaboration of an updated list of studies, and the setting-out of priorities, as appropriate;

(iii) The designation of the rapporteurs, the allocation of the reports among the experts, including the question of former members of the Sub-Commission serving as rapporteurs, and the role of alternate members;

(iv) The designation of commentators for each study from among its members, in order to facilitate an in-depth discussion of the studies and reports of the Sub-Commission;

(v) The elaboration of a procedure to evaluate and monitor the implementation of the recommendations contained in the studies and reports;

(d) Proposals concerning the format, the adoption and the number of the resolutions;

(e) Proposals concerning the rationalization of the agenda;

(f) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a two-page summary for each study, the purpose being that the summaries of a session be published separately in various languages, thus contributing towards better publicity for the studies.

23. In accordance with Commission resolution 1992/66, the Working Group on the Methods of Work of the Sub-Commission met from 11 to 15 May 1992.

24. With respect to standard-setting activities, the Sub-Commission will recall Commission resolution 1987/24, by which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission

25. At its fortieth session, the Sub-Commission decided to continue the discussion of this subject at its forty-first session, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or to other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

26. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. The Sub-Commission

further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Sub-Commission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its findings in the light of the deliberations of the Sub-Commission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

27. At its forty-sixth session, the Commission, by its resolution 1990/64, invited the Sub-Commission to request the working group established under its decision 1989/104 to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission. At its forty-seventh session, the Commission, by its resolution 1991/56, invited the Sub-Commission to request the working group to intensify its discussions on reform issues and to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission.

28. At its forty-third session, the Sub-Commission, by its decision 1991/101, decided to establish a sessional working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII). By its decision 1991/117, the Sub-Commission decided to establish, on an exceptional basis, an inter-sessional working group which would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Sub-Commission with regard to, among others, methods and means of dealing with violations of human righs (see paras. 22-23).

29. At the present session, the Sub-Commission will have before it the report of the Working Group on the Methods of Work of the Sub-Commission (E/CN.4/Sub.2/1992/3 and Add.1).

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

30. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at its forty-third session, will have before it a note of the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1992/4).

31. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1992/5 and E/CN.4/Sub.2/1992/6 respectively.

Compensation for victims of gross violations of human rights

32. The Sub-Commission, at its forty-first session, by its resolution 1989/13, entrusted Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect.

33. The Sub-Commission, at its forty-third session, by its resolution 1991/25, requested Mr. van Boven to submit to the Sub-Commission, at its forty-fourth session, a second progress report on the subject. At its forty-eighth session, the Commission endorsed this request by the Sub-Commission by its decision 1992/108.

34. At the present session, the Sub-Commission will have before it the second progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/8).

Human rights and the environment

35. At its forty-second session, the Sub-Commission adopted resolution 1991/24, by which it requested Ms. Fatma Zohra Ksentini, Special Rapporteur, to prepare a progress report on human rights and the environment. At its forty-eighth session, the Commission endorsed the request by the Sub-Commission by its decision 1992/110.

36. At its present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1992/7).

Right to freedom of opinion and expression

37. At its fortieth session, the Sub-Commission, by its decision 1989/110, requested Mr. Danilo Türk to prepare a working paper containing a proposal for carrying out a study called for by the Commission on Human Rights in its resolution 1988/37 concerning the right to freedom of expression and opinion, with the aim of clarifying conceptual and methodological questions and to serve as a basis on which future decisions could be taken by the Sub-Commission on this matter.

38. At its forty-first session, the Sub-Commission, by its resolution 1989/14, decided to entrust Mr. Louis Joinet and Mr. Türk with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion.

39. At the forty-second and forty-third sessions, the Special Rapporteurs submitted their preliminary report (E/CN.4/Sub.2/1990/11) and updated preliminary report (E/CN.4/Sub.2/1991/9) respectively. At its forty-third session, the Sub-Commission, by its resolution 1991/39, invited the Special Rapporteurs to submit a report which would include conclusions and recommendations.

40. The Commission, at its forty-eighth session, adopted resolution 1992/22, by which it decided to review this question on the basis, inter alia, of the report of the Special Rapporteurs.

41. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteurs (E/CN.4/Sub.2/1992/9).

Discrimination against HIV-infected people or people with AIDS

42. The Sub-Commission, by its decision 1988/111, decided that the information provided to the Sub-Commission at its fortieth session by the World Health Organization, the International Commission of Jurists and certain members on the problem of discrimination against persons with the HIV virus or suffering from AIDS, together with the consideration set forth in General Assembly resolution 42/8 of 26 October 1987 and World Health Assembly resolution WHA 41.24 of 13 May 1988, justified consideration of the question whether the Sub-Commission should study that problem. Consequently, the Sub-Commission asked Mr. Luis Varela Quirós to prepare, for submission to the Sub-Commission at its forty-first session, a concise note setting forth methods by which such a study could be made.

43. The Commission, by its resolution 1989/11, invited the Sub-Commission to examine, using the opportunity provided by the study on discrimination against persons with the HIV virus or suffering from AIDS envisaged in its decision 1988/111, the possibility of extending the scope of such a study to other kinds of discrimination against sick or disabled persons, in consultation with WHO and giving Governments that wished to express their views the opportunity to do so.

44. At its forty-first session, the Sub-Commission entrusted Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS. The Sub-Commission recommended that the Special Rapporteur take into account Commission resolution 1989/11 and the issues and guidelines of the 1989 International Consultation on HIV/AIDS and Human Rights convened in Geneva.

45. At its forty-second session, the Sub-Commission, by its decision 1990/118, taking note of the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1990/9), decided to continue consideration of the progress report of the Special Rapporteur at its forty-third session.

46. At its forty-third session, by its decision 1991/109, the Sub-Commission, taking note of the progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/10), decided to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-fourth session.

47. At its forty-eighth session, the Commission adopted resolution 1992/56, entitled "Discrimination against people infected with human immunodeficiency virus (HIV) or with acquired immunodeficiency syndrome (AIDS)", by which it endorsed the request of the Sub-Commission.

48. At the present session, the Sub-Commission will have before it a further progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/10).

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

49. The Sub-Commission decided to include this item in its agenda at its thirty-first session, in 1978, and the item has since remained on its agenda.

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

50. In resolution 3057 (XXVIII) of 2 November 1973, the General Assembly designated the 10-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination; the Programme was annexed to that resolution. Since that time, the question of the implementation of the Programme has been discussed at each session of the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission.

51. The Second World Conference to Combat Racism and Racial Discrimination, which took place from 1 to 12 August 1983 in Geneva, adopted a Declaration and a Programme of Action for a Second Decade. Upon the recommendation of the Conference, the General Assembly, by its resolution 38/14 of 22 November 1983, proclaimed the period beginning on 10 December 1983 as the Second Decade to Combat Racism and Racial Discrimination and approved the Programme of Action annexed to that resolution.

52. The General Assembly, at its forty-second session, adopted resolution 42/47 of 30 November 1987 by which it approved a plan of activities for the period 1990-1993, the second half of the Second Decade.

53. At its forty-sixth session, the General Assembly adopted resolution 46/85 of 16 December 1991, by which it took note of the report submitted by the Secretary-General containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, as well as United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/46/443).

54. In the same resolution, the Assembly welcomed the publication of the global compilation of national legislation against racism and racial discrimination and requested the Secretary-General to transmit it to Governments as soon as possible. The Assembly further requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit recommendations for the implementation of measures to combat the effects of that discrimination.

55. The Assembly welcomed the progress made in preparing model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, and requested the Secretary-General to finalize the text of the model legislation and the handbook of recourse procedures for

victims of racial discrimination and to publish and distribute those texts as soon as possible. The Assembly also requested the Secretary-General to publish the study of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the results achieved and obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade, and distribute it on as wide a scale as possible.

56. At its forty-third session, the Sub-Commission, by its resolution 1991/2, took note of the outline of ways and means necessary to increase the effectiveness of United Nations action to combat racism and racial discrimination (E/CN.4/Sub.2/1991/11) prepared in accordance with the request of the Sub-Commission contained in its resolution 1990/1 of 20 August 1990; renewed its request to the Secretary-General to prepare, on the basis of replies received from Governments, specialized agencies and intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting indigenous peoples, migrant workers and other vulnerable groups in society, as well as of measures taken by Governments against those phenomena and the effects of such measures, and to submit the overview for consideration by the Sub-Commission at its forty-fourth session; requested the Secretary-General to submit to the Sub-Commission at its forty-fourth session a report on serious incidents attributable to racism, racial discrimination and xenophobia in any part of the world, including measures taken by the Governments concerned in response to those incidents; and expressed its deep conviction that a special rapporteur of the Sub-Commission should be appointed to update the study on racial discrimination (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1) prepared in 1976 by Mr. Hernán Santa Cruz, in the light of recent trends of racism, racial discrimination and xenophobia in many countries of the world.

57. The Commission, at its forty-eighth session, by its resolution 1992/8, decided to give thematic consideration each year to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47. The Commission recalled that in its resolution 1991/11, it decided that the thematic topic for 1992 would be "Treatment of political prisoners and detainees in South Africa, particularly women and children", and decided that the topic for 1993 would be "Global study on the extent of dissemination of the International Convention on the Elimination of All Forms of Racial Discrimination"; it recommended to the General Assembly that it take appropriate steps, in due course, to launch a third decade to combat racism and racial discrimination, to begin in 1993.

58. At its present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1992/11).

Sub-item (b) <u>Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa</u>

59. This question has been considered by the Sub-Commission since its twenty-sixth session when, in resolution 3 (XXVI) of 19 September 1973, it affirmed the importance of evaluating the consequences for the enjoyment of human rights of assistance to the colonial and racist regimes of

southern Africa. At its fifty-sixth session, in 1974, the Economic and Social Council approved the decision of the Commission on Human Rights to authorize the Sub-Commission to appoint a special rapporteur on this issue (resolution 1864 (LVI)). Since then, the Sub-Commission, the Commission on Human Rights and the General Assembly have regularly examined this question at various sessions and have adopted a number of resolutions pertaining thereto. Particular reference may be made to: (a) resolution 1 (XXX) of 26 August 1977, by which the Sub-Commission, in implementation of Commission on Human Rights resolution 7 (XXXIII) of 4 March 1977, invited Mr. Ahmed Khalifa, the Special Rapporteur on the question, to prepare the necessary material for a provisional general list identifying those whose activities constituted assistance to the colonial and racist regimes in southern Africa; (b) 2 September 1980 and 6 (XXXIV) of 9 September 1981 and resolutions 1982/16, 1983/6, 1984/4, 1985/3, 1987/7, 1988/3, 1989/18, 1990/3 and 1991/1 in which Mr. Khalifa was invited to continue, subject to annual review, to update the list and submit it through the Sub-Commission to the Commission.

60. At its forty-third session, the Sub-Commission considered the updated report submitted by the Special Rapporteur (E/CN.4/Sub.2/1991/13 and Add.1) and adopted resolution 1991/1, in which it recommended to the Commission the adoption of a resolution recommending that the Economic and Social Council decide to invite the Special Rapporteur to continue to update his list.

61. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/7 recommending that the Economic and Social Council should so decide and, further, should request the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to visit that country on a special mission for the purposes of the next updating of his report. The attention of the Sub-Commission is also drawn to Commission resolution 1992/20 on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to South Africa.

62. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/1992/12 and Add.1).

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

63. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of

human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

64. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

Situation in the Palestinian and other Arab territories occupied by Israel

65. By resolution 1991/6, the Sub-Commission, at its forty-third session, requested the Secretary-General to provide it, at its forty-fourth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the relevant United Nations decisions and resolutions, as well as with the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the resolution. At the same session, the Sub-Commission adopted resolution 1991/38 in which it recommended to the Commission the adoption of a resolution (draft resolution X) recommending that the Economic and Social Council request an advisory opinion from the International Court of Justice at an early date on the following question: "What are the legal consequences for States arising from the building by Israel of settlements in the territories occupied since 1967, notwithstanding Security Council resolutions 446 (1979) and 465 (1980)?"

66. At its forty-eighth session, the Commission decided, by its decision 1992/104, to postpone consideration of draft resolution X recommended for adoption by the Sub-Commission (E/CN.4/1992/2, chap. I, sect. A) to a later session of the Commission, the year of which would be the subject of consultation and agreement, taking into account the development of the international situation. The Commission also adopted resolutions 1992/1, entitled "Human rights in the occupied Syrian Golan", 1992/2 A and B, entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", and 1992/3, entitled "Israeli settlements in the occupied Arab territories", and 1992/4, entitled "Situation in occupied Palestine".

67. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1992/13).

Situation of human rights in the Islamic Republic of Iran

68. By resolution 1991/9, the Sub-Commission requested the Secretary-General to inform the Sub-Commission, at its forty-fourth session, of relevant reports by special rapporteurs or bodies in the field of human rights, as well as of steps which were being taken by the General Assembly, the Economic and Social Council and the Commission on Human Rights to prevent violations of human rights in the Islamic Republic of Iran and decided to consider the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'i, at its forty-fourth session.

69. In the same resolution, the Sub-Commission deplored the apparent direct involvement in the assassination of Professor Kazem Rajavi of one or more official Iranian services and requested the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran to include in his next report to the Commission any further information he might have obtained relative to the investigation of the case.

70. The Commission on Human Rights, at its forty-eighth session, adopted resolution 1992/67 by which it decided to extend the mandate of its Special Representative for a further year and requested him to submit an interim report to the General Assembly at its forty-seventh session on the human rights situation in the Islamic Republic of Iran, and a final report to the Commission at its forty-ninth session.

71. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1992/14).

Situation of human rights in El Salvador

72. By resolution 1991/11, the Sub-Commission, at its forty-third session, welcomed the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, in their efforts to resolve the armed conflict, had concluded an agreement for the verification of human rights obligations as an essential condition for guaranteeing a just and lasting peace; expressed its satisfaction at the establishment, on 26 July 1991, of the United Nations Observer Mission in El Salvador (ONUSAL) with the initial task of verifying implementation of the agreement on human rights as part of an integrated peace-keeping operation; called upon the competent authorities to take the necessary measures to ensure that substantial progress would be made in the judicial inquiry into and the punishment of those guilty of the murders committed on 16 November 1989 at the Central American University; urged the parties immediately to take the necessary action and measures on which they agreed in order to eradicate violations of human rights and to give their fullest support to the United Nations Observer Mission, providing it with all the facilities that it required to perform its functions, guaranteeing the security of its members and complying promptly with recommendations made to them by the Mission; urged the parties to continue the negotiations until they reached the necessary agreement to end the armed

confrontation as quickly as possible and to establish firm bases for promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society.

73. By the same resolution, the Sub-Commission decided consider at its forty-fourth session the situation of human rights in El Salvador, taking account of the development of the human rights situation in that country.

74. At its forty-eighth session, the Commission, by its resolution 1992/62, requested the Secretary-General to appoint an independent expert to provide assistance in human rights matters to the Government of El Salvador, consider the human rights situation in the country and the effects of the Peace Agreements on the effective enjoyment of human rights, and investigate the manner in which both parties applied the recommendations contained in the final report of the Special Representative and those made by the United Nations Observer Mission in El Salvador and the committees established during the negotiating process. It also requested the independent expert to report on the outcome of his inquiries to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session.

Other matters

75. In discussing this item, the Sub-Commission may wish to take into account the following resolutions and decisions adopted by the Sub-Commission at its forty-third session and by the Commission on Human Rights at its forty-eighth session, in addition to those referred to in the foregoing paragraphs:

Sub-Commission (forty-third session)

Resolutions

1991/4 Situation in South Africa

1991/5 Situation of human rights in Guatemala

1991/7 Situation of human rights in Kuwait

1991/8 Situation in Cambodia

1991/10 Situation in Tibet

1991/13 Situation of human rights in Iraq

1991/29 Situation in Somalia

Commission on Human Rights (forty-eighth session)

Resolutions

1992/5 Situation in Afghanistan

1992/18 Question of Western Sahara

1992/19 Situation of human rights in South Africa

1992/42 Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers

1992/58 Situation of human rights in Myanmar

1992/60 Situation of human rights in Kuwait under Iraqi occupation

1992/61 Situation of human rights in Cuba

1992/64 Situation of human rights in Romania

1992/68 Situation of human rights in Afghanistan

1992/69 Situation of human rights in Albania

1992/70 Situation of human rights in southern Lebanon

1992/71 Situation of human rights in Iraq

1992/77 Situation of human rights in Haiti

1992/79 Situation in Equatorial Guinea

Decisions

1992/102 Situation in Cambodia

1992/106 Question of human rights in Cyprus

1992/116 Situation in China/Tibet

Item 7. The new international economic Order and the promotion of human rights

76. The Sub-Commission, at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to the agenda for its thirty-second session an item entitled "The new international economic order and the promotion of human rights". By its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. By its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis.

77. Under this item, the Sub-Commission at its forty-third session adopted resolution 1991/36, entitled "Fraudulent enrichment of top State officials prejudicial to the public interest" in which it recommended to the Commission the adoption of a resolution on this subject. At its forty-eighth session, the Commission adopted resolution 1992/50.

Sub-item (a) The role and equal participation of women in development

78. The Sub-Commission first proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item of its agenda during its thirty-seventh session, in 1984 (E/CN.4/Sub.2/1984/SR.39).

79. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26 entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

80. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Item 8. The realization of economic, social and cultural rights

81. The Commission, at its forty-third session, by resolution 1987/19, requested the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session, a proposed timetable for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Sub-Commission to consider, in accordance with its resolution 1983/35, the preparation of a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

82. The Sub-Commission, at its thirty-ninth session, in its resolution 1987/29 A, recommended to the Commission on Human Rights and the Economic and Social Council, in response to Commission resolution 1987/19, that the Sub-Commission be authorized to appoint, from its members to be elected in 1988, a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights; the special rapporteur would be requested to present a substantial progress report to the Sub-Commission at its forty-first session. The Commission, in its resolution 1988/22, invited the Sub-Commission to appoint a special rapporteur for that purpose.

83. At its fortieth session, the Sub-Commission, by its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic,

social and cultural rights, and recommended that the Special Rapporteur should take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission. The resolution of the Sub-Commission was endorsed by Commission resolution 1989/13 and Economic and Social Council decision 1989/138.

84. By its resolution 1990/16, the Sub-Commission, having considered the progress report of the Special Rapporteur (E/CN.4/Sub.2/1990/19), endorsed the preliminary recommendations contained therein, requested the Special Rapporteur to prepare a second progress report and encouraged him to establish direct contact with international financial institutions as well as United Nations agencies utilizing social and economic data and indicators relevant to his study. The Sub-Commission invited the Commission on Human Rights, at its forty-seventh session, to consider requesting the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

85. In its resolution 1991/18, the Commission on Human Rights, at its forty-seventh session, welcomed the progress report of the Special Rapporteur and invited him, when preparing a progress report, to take into account comments made in the Commission, and requested that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged. By its resolution 1991/13, the Commission invited interested Governments to provide the Special Rapporteur with their comments and information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of human rights and requested the Special Rapporteur to take these views into account.

86. By its resolution 1991/27, the Sub-Commission, at its forty-third session, expressed its appreciation for the second progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/17) and requested the Special Rapporteur to submit his final report at its forty-fourth session.

87. By its resolution 1992/10, the Commission, at its forty-eighth session, requested the Secretary-General to organize a seminar of experts as referred in Commission resolution 1990/16, a request subsequently endorsed by the Economic and Social Council in its decision 1991/235.

88. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/16).

<u>The right to adequate housing</u>

89. At its forty-third session, the Sub-Commission adopted resolution 1991/26 entitled "Promoting the realization of the right to adequate housing", in which it entrusted Mr. Rajindar Sachar with the task of producing a working paper on the right to adequate housing, with a view to determining how best to further both the recognition and the enforcement of this right. The Sub-Commission also requested Mr. Sachar to examine the utility of adopting an

international declaration or convention on the right to adequate housing and to examine the specific contents of this right, and to submit his working paper to the Sub-Commission at its forty-fourth session.

90. At the present session, the Sub-Commission will have before it a working paper prepared by Mr. R. Sachar (E/CN.4/Sub.2/1992/15).

Human rights and population transfer

91. By its resolution 1990/17, the Sub-Commission decided to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

92. By its resolution 1991/28, the Sub-Commission, at its forty-third session, recogized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and such other relevant materials as might be provided to the Secretary-General by non-governmental organizations or in the reports of other United Nations bodies.

Human rights and extreme poverty

93. At its forty-sixth session, the Commission on Human Rights adopted resolution 1990/15, in which it reaffirmed that extreme poverty and exclusion from society constituted violations of human dignity and that urgent national and international action was therefore required to eliminate them; it requested the Sub-Commission, when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

94. By its decision 1990/119, the Sub-Commission decided to request Mr. Eduardo Suescún Monroy to prepare the method and plan of work for the study on human rights and extreme poverty.

95. At its forty-seventh session, the Commission, in resolution 1991/14, recommended that the Sub-Commission, when considering, in accordance with its decision 1990/119, the method and plan of work for the study on human rights and extreme poverty, should give attention more particularly to the conditions in which the poorest themselves could convey their experience and so contribute to a better understanding of the harsh reality of their lives and its causes.

96. At its forty-sixth session, the General Assembly adopted resolution 46/121 of 17 December 1991, entitled "Human rights and extreme poverty".

97. The Commission, at its forty-eighth session, by its resolution 1992/11, requested the Sub-Commission to undertake a study on the question of extreme poverty and, in particular, of the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those experiencing it;

(b) The efforts of the poorest themselves to achieve the exercise of those rights and to participate fully in the development of the society in which they live;

(c) The conditions in which the poorest may effectively convey their experience and their thoughts and become partners in the realization of human rights;

(d) The means of ensuring a better understanding of the experience and thoughts of the poorest and of the persons working with them.

The Commission also requested the Sub-Commission to accord priority in its work to the question of human rights and extreme poverty and to report to the Commission at its forty-ninth session.

Other matters

98. With regard to the issues under this item, the Sub-Commission may wish to note the following resolutions of the Commission adopted at its forty-eighth session:

1992/9 Effect of the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development.

1992/12 Question of trade union rights

1992/13 Right to development

1992/21 Respect for the right of everyone to own property alone as well as in association with others.

Item 9. Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

99. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications

received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission adopted provisional procedures for dealing with the question of admissibility of communications in resolution 1 (XXIV) of 13 August 1971. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. It has met prior to each session of the Sub-Commission and presented to the Sub-Commission a confidential report.

100. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group on Communications and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

101. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

102. By decision 3 (XXXIV) of 3 March 1978, the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item and to take the floor if he or she so wished.

103. A number of procedural steps have been taken at the Commission level with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). Since 1974, the Commission has every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations thereon to it. By resolution 1990/41, the Economic and Social Council authorized the establishment of the Commission's Working Group on Situations on a permanent basis, instead of the earlier ad hoc basis. The recommendations of the Working Group on Situations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

104. By decision 1990/112, the Sub-Commission, wishing to modify its decision 1989/102, decided that the Working Group on Communications, acting

under paragraph 1 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming session, to be held from 20 to 31 July 1992, the Working Group on Communications will, accordingly, consider communications received and processed by the Secretariat since the last session of the Sub-Commission and forwarded to the Governments concerned not later than 26 April 1992.

105. Since its forty-first session in 1989, the Sub-Commission has voted by secret ballot on all decisions adopted under the procedure governed by Council resolution 1503 (XLVIII). At the forty-first and forty-second sessions, this was done by way of suspending rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council and, at the forty-third session in 1991, by reference to Council resolution 1991/32 of 31 May 1991 on the strengthening of the independence of the members of the Sub-Commission.

106. The Sub-Commission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-fourth session.

107. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications of the Sub-Commission on its meetings from 20 to 31 July 1992;

(b) Relevant documentation referred to in paragraph 5 of the Sub-Commission's last confidential report;

(c) The confidential summary records of the forty-eighth session of the Commission on Human Rights, the text of the Commission's confidential decisions and other documents relating thereto;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) since the Sub-Commission's forty-third session, as well as replies received from Governments during the period July 1991-June 1992.

108. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 10. The administration of justice and the human rights of detainees

Sub-item (a) Question of the human rights of persons subjected to any form of detention or imprisonment

Annual review

109. By resolution 7 (XXVII) of 20 August 1974, the Sub-Commission decided to review annually developments concerning the human rights of persons subjected to any form of detention or imprisonment, taking into account any reliably attested information from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, provided that such non-governmental organizations acted in good faith and that their information was not politically motivated, contrary to the principles of the Charter of the United Nations.

110. In its resolution 1988/33, paragraph 6, the Commission on Human Rights reminded the Sub-Commission of the request made in its resolution 1987/33 that, when carrying out its annual review of the human rights of persons subjected to any form of detention or imprisonment, it should include in its consideration the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control bearing upon the subject, and requested the Secretary-General to continue to make available to the Sub-Commission succinct information on these matters.

111. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons.

112. By its decision 1991/10, the Sub-Commission, at its forty-third session, decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper, expanding and elaborating upon the working paper on measures to be taken to combat the increasingly widespread practice of impunity for perpetrators of serious violations of human rights (E/CN.4/Sub.2/1991/WP.5).

113. By its resolution 1992/31, the Commission, at its forty-eighth session, requested the Sub-Commission to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice. It also requested the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment.

114. The attention of the Sub-Commission is also drawn to Commission on Human Rights resolutions 1992/28, entitled "Question of arbitrary detention", 1992/32, entitled "Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur", and 1992/43, entitled "Question of a draft optional protocol to the Convention against Torture".

115. At the present session, the Sub-Commission will have before it a note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1992/17) and the report of the sessional Working Group on Detention to the Sub-Commission (E/CN.4/Sub.2/1992/22).

116. At the present session, the Sub-Commission will also have before it a working paper prepared by Mr. Guissé and Mr. Joinet (E/CN.4/Sub.2/1992/18).

Protection of staff members of the United Nations system

117. The Commission and the Sub-Commission have concerned themselves in recent years with the detention, disappearance and death in detention of United Nations staff members from the point of view of respect for their human rights as laid down in international instruments. Both bodies have asked for reports from the Secretary-General on this subject (Sub-Commission resolution 1987/21 and Commission resolutions 1988/41, 1989/28, 1990/31 and 1992/26).

118. The Sub-Commission at its fortieth session had before it the report on this subject requested in its resolution 1987/21 (E/CN.4/Sub.2/1988/17). At that session, it adopted resolution 1988/9, pursuant to which Mrs. María Concepción Bautista was entrusted with the task of undertaking an examination of the violations of the human rights of staff members of the United Nations system, their families and experts, as well as of the repercussions of those violations on the functioning of United Nations organs and agencies. The Sub-Commission requested that a preliminary report be presented to its forty-first session.

119. At its forty-first session, the Sub-Commission adopted resolution 1989/30 by which it requested the Special Rapporteur to continue to study the subject and to submit an updated version to its forty-second session.

120. At its forty-second session, having considered the updated version of Mrs. Bautista's report (E/CN.4/Sub.2/1990/30), the Sub-Commission adopted resolution 1990/20, by which it invited Mrs. Bautista to submit a final version of the report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families, including experts and consultants.

121. By its resolution 1991/17, the Sub-Commission invited Mrs. Bautista to submit to the Sub-Commission, at its forty-fourth session, a final report.

122. At the present session, the Sub-Commission will have before it the final report by Mrs. Bautista (E/CN.4/Sub.2/1992/19).

Application of international standards concerning the human rights of detained juveniles

123. By its resolution 1989/31, the Sub-Commission requested the Secretary-General to update the report of the Secretary-General on the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30) and to submit the revision to the forty-second session

of the Sub-Commission. In addition, it decided to appoint Mrs. María Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment. At its forty-second session, the Sub-Commission, by its resolution 1990/21, extended the mandate of Mrs. Bautista until its forty-third session. The Special Rapporteur submitted her report (E/CN.4/Sub.2/1991/24) to the Sub-Commission at its forty-third session.

124. By its resolution 1991/16, the Sub-Commission, at its forty-third session, requested the Special Rapporteur to submit to the Sub-Commission, at its forty-fourth session, an updated report containing further information concerning successful efforts to implement international standards, observations relating to practices that are not compatible with relevant international standards, and recommendations concerning measures that should be taken by States and the international community to increase effective recognition and protection of the rights of detained juveniles.

125. At its present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/1992/20).

Privatization of prisons

126. At its forty-first session, by decision 1989/110, the Sub-Commission requested Mr. Miguel Alfonso Martínez to prepare, without financial implications, a working paper containing proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons, and to submit the working paper to the Sub-Commission at its forty-second session.

127. The sessional Working Group on Detention established by the Sub-Commission at its forty-second session decided to postpone consideration of this item until 1991.

128. By its decision 1991/105, the Sub-Commission, at its forty-third session, after having examined the working paper submitted by Mr. Miguel Alfonso Martínez on this issue (E/CN.4/Sub.2/1991/56), decided to request the Secretary-General to submit to the Sub-Commission at its forty-fourth session, a working paper containing a systematic compilation of those views and analytical comments thereon.

129. At the present session, the Sub-Commission will have before it the working paper of the Secretary-General (E/CN.4/Sub.2/1992/21).

Sub-item (b) Question of human rights and states of emergency

130. By resolution 10 (XXX) of 31 August 1977, the Sub-Commission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, the Sub-Commission considered that a comprehensive study of the implications for human rights of recent developments

in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).

131. In resolution 1983/18, the Commission requested the Sub-Commission to propose, for the Commission's consideration at its fortieth session, measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

132. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, by resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. By its resolution 1985/32, the Sub-Commission requested Mr. Leandro Despouy, the Special Rapporteur for that task, to present his first report to the Sub-Commission at its thirty-ninth session.

133. The Sub-Commission, at its forty-third session, had before it the fourth annual report and list of States prepared by the Special Rapporteur (E/CN.4/Sub.2/1991/28) and the draft guidelines for the development of legislation on states of emergency (annex I). By its resolution 1991/18, it invited the Special Rapporteur to continue his work and to submit to the Sub-Commission the next annual report and list updated on the basis of information received. The Sub-Commission also requested the Special Rapporteur to continue and complete work on the draft guidelines for the development of legislation on states of emergency and, in particular, to examine the question of non-derogable rights. It recommended to the Commission that it recommend to the Economic and Social Council the adoption of a decision endorsing the Sub-Commission's request to the Special Rapporteur.

134. The Commission, by its decision 1992/107, decided to recommend to the Economic and Social Council the endorsement of the Sub-Commission's request.

135. In this connection, the attention of the Sub-Commission is drawn to Sub-Commission resolution 1991/15 and Commission resolution 1992/35 entitled "Habeas corpus".

136. At the present session, the Sub-Commission will have before it the next annual report and list proposed by the Special Rapporteur (E/CN.4/Sub.2/1991/23).

Sub-item (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

137. In resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection,

particularly family connection, with a suspect, an accused person or a person who has been convicted. The Sub-Commission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, paras. 235-237) but no action was taken.

Sub-item (d) The right to a fair trial

138. The Sub-Commission, at its forty-first session, adopted resolution 1989/27 by which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial for submission to the Working Group on Detention and to the Sub-Commission.

139. Having considered the report of the two Special Rapporteurs (E/CN.4/Sub.2/1990/34), the Sub-Commission, by resolution 1990/18, recommended to the Commission that it ask the Economic and Social Council to endorse its decision to entrust Messrs. Chernichenko and Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening". The Sub-Commission's decision was endorsed by Commission resolution 1991/43 and Economic and Social Council decision 1991/262. The Special Rapporteurs submitted their second report (E/CN.4/Sub.2/1991/29) to the Sub-Commission and the Commission, at its forty-third and forty-eighth sessions respectively.

140. By its resolution 1991/14, the Sub-Commission, at its forty-third session, requested the Special Rapporteurs to continue the preparation of their study on the right to a fair trial: current recognition and measures for its strengthening. At its forty-eighth session, the Commission, by its resolution 1992/34, endorsed the Sub-Commission's request and recommended that the Economic and Social Council approve the endorsement of the Commission.

141. At the present session, the Sub-Commission will have before it the third report of the Special Rapporteurs (E/CN.4/Sub.2/1992/24 and Add.1-3).

Item 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

142. By its decision 1980/124, the Economic and Social Council authorized the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers.

143. The Special Rapporteur accordingly submitted preliminary and progress reports on the subject in 1980, 1981 and 1982 (E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1, and E/CN.4/Sub.2/1982/23). He presented his final report on the subject (E/CN.4/Sub.2/1985/18 and Add.1-6) to the Sub-Commission at its thirty-eighth session and drew attention, in particular, to the draft declaration on the independence of justice (E/CN.4/Sub.2/1985/18/Add.5/Rev.1).

144. The Special Rapporteur submitted to the Sub-Commission at its fortieth session a report containing comments and suggestions on the draft declaration (E/CN.4/Sub.2/1988/20) and a revised version of the draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1).

145. At its forty-first session, the Sub-Commission adopted resolution 1989/22 on the subject, by which it invited Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers, as requested in Commission resolution 1989/32.

146. By its resolution 1990/33, the Commission on Human Rights, at its forty-sixth session, endorsed Sub-Commission resolution 1989/22 and requested the Sub-Commission to study the working paper with a view to recommending to the Commission any initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

147. At its forty-second session, the Sub-Commission considered the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) and decided, by its resolution 1990/23, to entrust Mr. Joinet with the preparation of a report:

(a) To make a system-wide analysis of the advisory service and technical assistance programmes of the United Nations as regards the independence of the judiciary and the protection of practising lawyers, propose means by which the cooperation between the programmes could be enhanced, and set forth guidelines and criteria to be taken into account in the provision of these services;

(b) To bring to the attention of the Sub-Commission information on legislative or judicial measures or other practices which have served to strengthen or to undermine the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards.

The Sub-Commission also decided to consider this report at its forty-third session.

148. The Sub-Commission's decision was endorsed by Commission resolution 1991/39 and Economic and Social Council decision 1991/241.

149. By its resolution 1991/35, the Sub-Commission, at its forty-third session, taking note of the report prepared by Mr. Louis Joinet (E/CN.4/Sub.2/1991/30 and Add.1-4), decided to entrust Mr. Joinet with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards. The Sub-Commission's decision was endorsed by the Commission, at its forty-eighth session, by its resolution 1992/33.

150. At its present session, the Sub-Commission will have before it the report of the Special Rapporteur (E/CN.4/Sub.2/1992/25).

Item 12. Human rights and scientific and technological developments

151. Pursuant to resolution XI of the International Conference on Human Rights adopted on 12 May 1968, the relationship between human rights and scientific and technological developments has been examined at various sessions of the General Assembly, the Commission on Human Rights and the Sub-Commission.

152. The General Assembly, at its forty-fourth session, adopted resolution 44/133 of 15 December 1989, in which the Assembly invited the Commission on Human Rights to assist the Sub-Commission in preparing the study on the use of the achievements of scientific and technological progress to ensure the right to work and development requested by the Commission in its resolutions 1982/4 of 19 February 1982, 1984/29 of 12 March 1984, 1986/11 of 10 March 1986, 1988/61 of 9 March 1988 and 1990/39 of 6 March 1990.

153. The Commission, at its forty-seventh session, adopted resolution 1991/45, entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms", by which it requested the Sub-Commission to consider, at its forty-fourth session, the study prepared by the United Nations University entitled Human Rights and Scientific and Technological Development (United Nations publication, Sales No. E.90.III.A.3), in particular the applicability of its recommendations to the work of the United Nations in the field, and to report on any conclusions to the Commission at its forty-ninth session.

154. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1992/26).

Item 13. Encouragement of universal acceptance of human rights instruments

155. By its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission, with due regard to equitable geographical distribution, to meet during the sessions of the Sub-Commission in order to consider ways and means of encouraging Governments which had not yet done so to ratify or adhere to international human rights instruments. By the same resolution, the Sub-Commission requested the Secretary-General, well before the annual session of the Sub-Commission, to write to Governments which had not yet accepted the human rights instruments, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which they might face in respect of which the United Nations could offer any assistance. The Sub-Commission invited its sessional Working Group to examine the replies received from Governments and to consider what forms of assistance could be provided to Governments by the United Nations in that regard.

156. At its thirty-eighth session, the Sub-Commission, by resolution 1985/5, decided to suspend the work of the Working Group until further review of its mandate and requested its Chairman to appoint one of its members to report to it at its fortieth session on information received under the resolution.

Pursuant to that resolution, the Chairman of the Sub-Commission appointed Mrs. Fatma Zohra Ksentini, who presented a brief analysis at the fortieth session of the information that had been submitted by Governments (E/CN.4/Sub.2/1988/27).

157. At its forty-second session, by resolution 1990/24, the Sub-Commission again requested its Chairman to appoint one of its members to report to it at its forty-fourth session on this subject. In the same resolution, the Sub-Commission also requested the Secretary-General to renew his invitation to Governments for submission of information, making particular reference to the human rights instruments to which those Governments had not yet become party and drawing the attention of each Government to the instruments which it had already signed but not ratified. Additionally, it requested the Secretary-General to continue to inform the Sub-Commission as appropriate on his endeavours and to update the table containing a country-by-country record of developments included in the terms of reference of the Sub-Commission. Further, it decided to continue the consideration of the item entitled "Encouragement of universal acceptance of human rights instruments" at its forty-fourth session and, subsequently, at alternate sessions of the Sub-Commission.

158. At its present session, the Sub-Commission will have before it a note by the Secretary-General containing information relating to communications with Member States concerning the ratification of, or accession to, the relevant human rights instruments as well as an updated table recording country-by-country developments in that regard (E/CN.4/Sub.2/1992/27).

Item 14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

159. By its decision 4 (XXXIV) of 10 September 1981, the Sub-Commission decided to include in the provisional agenda of its thirty-fifth session a new item, entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, the Sub-Commission decided, in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

160. At its thirty-eighth session, the Sub-Commission, by its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life". By its resolution 1985/34, the Sub-Commission decided that the item would be considered on a biennial basis, starting from its thirty-ninth session.

161. At its forty-first session, the Sub-Commission, by resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development.

162. At its forty-third session, the Sub-Commission had before it the working paper of Mr. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1). By its decision 1991/106, the Sub-Commission decided to suspend the debate on the agenda item and to include the item in the provisional agenda of its forty-fourth session.

Item 15. Discrimination against indigenous peoples

Working Group on Indigenous Populations

163. The creation of the Working Group on Indigenous Populations was authorized by the Economic and Social Council in its resolution 1982/34 which authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

164. The Working Group on Indigenous Populations held nine sessions prior to 1991. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.2, E/CN.4/Sub.2/1988/24 and Add.1, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1) to the Sub-Commission. These reports were also made available to the Commission.

165. At the present session, the Sub-Commission will have before it the report of the Working Group on its tenth session (E/CN.4/Sub.2/1992/33).

Draft declaration on indigenous rights

166. By resolution 1985/22, the Sub-Commission endorsed the plan of action adopted by the Working Group for its future work, contained in annex I of its report on its fourth session (E/CN.4/Sub.2/1985/22), as well as its decision to emphasize in its forthcoming sessions the part of its mandate relating to standard-setting activities, with the aim of producing, in due course, a draft declaration on indigenous rights which might be proclaimed by the General Assembly.

167. By its resolution 1991/30, the Sub-Commission, at its forty-third session, recommended that the Chairman-Rapporteur of the Working Group be entrusted with the task of further elaborating the paragraphs of the draft declaration which were agreed upon by the members of the Working Group at first reading.

168. By its resolution 1992/44, the Commission welcomed the Sub-Commission's decision contained in its resolution 1991/30 and recommended that the Economic and Social Council authorize the Working Group to meet for 10 working days prior to the forty-fourth session of the Sub-Commission.

169. At the present session, the Sub-Commission will have before it the further elaboration of the paragraphs of the draft declaration prepared by the Chairman-Rapporteur of the Working Group (E/CN.4/Sub.2/1992/28).

Ownership and control of cultural property of indigenous peoples

170. At its forty-second session, the Sub-Commission, by its resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the Working Group on Indigenous Populations at its ninth session, and requested all organs and organizations of the United Nations system with relevant expertise to provide Ms. Daes with the information and assistance she may require for the completion of this task.

171. At its forty-third session, the Sub-Commission had before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34).

172. By its resolution 1991/32, the Sub-Commission, at its forty-third session, decided to entrust Ms. Daes with the further task of preparing, for submission at its forty-fifth session in 1993, a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. This decision was endorsed by Commission decision 1992/114.

Economic and social relations between indigenous peoples and States

173. At its forty-second session, the Sub-Commission, by its resolution 1990/27, recommended that the United Nations Conference on Environment and Development provide indigenous peoples' organizations with effective means of participating directly in its work, and that any new conventions which may be adopted regarding biodiversity or conserving renewable resources provide explicitly for the role of indigenous peoples as resource users and managers and for the protection of indigenous peoples' right to control of their own traditional knowledge of ecosystems. The Sub-Commission also invited the Special Rapporteur on human rights and the environment to take into account the special relationship between fragile habitats and indigenous peoples, especially with respect to sustainability, and invited the Special Rapporteur on compensation for human rights violations to address indigenous concerns in his forthcoming reports to the Sub-Commission. The Sub-Commission requested the Secretary-General to convene, as soon as possible, the meeting of experts on indigenous self-government and the technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples, and to include indigenous experts among the invitees in accordance with existing practice; to arrange for the Centre for Human Rights to enter into discussions with United Nations operational programmes in development and environment regarding possible mechanisms and guidelines for promoting the rights of indigenous peoples through their direct participation in the planning and implementation

of projects; to invite the World Intellectual Property Organization to prepare, in consultation with other appropriate specialized agencies and indigenous peoples' organizations, recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session.

174. At its forty-third session, the Sub-Commission had before it the report of the Secretary-General on the measures taken to implement resolution 1990/27 (E/CN.4/Sub.2/1991/37). By its resolution 1991/31, the Sub-Commission, requested the Secretary-General to prepare a concise report on the extent to which indigenous peoples could utilize existing standards and mechanisms for the protecion of their intellectual property, drawing attention to any gaps or obstacles and to possible measures for addressing them; to convene, no later than May 1992, the technical conference on practical experience in the realization of sustainable and enviromentally sound self-development by indigenous peoples, authorized by the Economic and Social Council in decision 1990/238 of 25 May 1990, with a view to making a contribution to the United Nations Conference on Environment and Development in June 1992; to bring the resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development and to the administrative head of each United Nations operational body and specialized agency, and to submit a report to the Sub-Commission at its forty-fourth session on the measures taken to implement the resolution, and on the results achieved.

175. The technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples took place in Santiago from 18 to 22 May 1992.

176. At the present session, the Sub-Commission will have before it a report of the Secretary-General on the economic and social relations between indigenous peoples and States (E/CN.4/Sub.2/1992/29), a note by the Secretary-General on intellectual property of indigenous peoples (E/CN.4/Sub.2/1992/30) and the report on the technical conference (E/CN.4/Sub.2/1992/31).

Study on the significance of treaties, agreements and other constructive arrangements

177. By resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned. By the same resolution, the Sub-Commission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session.

178. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible

purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session.

179. By resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted its resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

180. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group and the Sub-Commission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Sub-Commission at its forty-third session.

181. At its present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32).

International Year for the World's Indigenous Peoples

182. At the forty-fifth session, by resolution 45/164 of 18 December 1990, the General Assembly proclaimed 1993 International Year for the World's Indigenous People. It requested the Commission to consider possible United Nations activities in connection with the International Year and requested the Secretary-General to submit to its forty-sixth session a draft programme of activities.

183. The Commission, at its forty-seventh session, adopted resolution 1991/57 by which it recommended that the specialized agencies, regional commissions and other organizations of the United Nations system, in their consideration of the contributions that they could make to the success of the International Year for the World's Indigenous People, be guided by how their operational activities could most effectively contribute to the solution of problems faced by indigenous people and how indigenous people could play an important role in the planning, implementation and evaluation of projects which might affect them. It requested the Secretary-General, in preparing the draft programme of activities for the International Year, to take into account the ongoing work of the Sub-Commission as well as the Working Group on Indigenous Populations and to consider specific recommendations for the coordination and implementation of the draft programme of activities.

184. At its forty-third session, the Sub-Commission adopted resolution 1991/33 concerning the International Year for the World's Indigenous People.

185. At its forty-sixth session, the General Assembly adopted resolution 46/128 of 17 December 1991 by which it:

(a) Requested the Secretary-General to proclaim during the forty-sixth session of the General Assembly, the theme "Indigenous people - a new partnership" for the International Year;

(b) Adopted the programme of activities for the International Year for the World's Indigenous People annexed to the resolution;

(c) Recommended the appointment of the Under-Secretary-General for Human Rights as the Coordinator of the International Year;

(d) Decided that the Coordinator should convene, early in 1992, a technical meeting of agencies, regional commissions and other relevant organizations of the United Nations system with representatives of States, organizations of indigenous people and other non-governmental organizations having a special interest in indigenous matters:

(i) To identify programme areas or capabilities that are of particular relevance and priority to indigenous people;

(ii) To agree on specific objectives for special projects to be implemented in 1993 as part of the International Year and to ensure their consonance with the theme and objectives of the Year;

(iii) To consider existing project guidelines and recommend effective means for including indigenous people in the initiation, the design and implementation of the foregoing;

(iv) To suggest appropriate procedures and criteria for the evaluation of projects involving indigenous people, in 1993 and thereafter;

(v) To consider what financial provisions, if any, need to be made to ensure implementation of the foregoing;

(vi) To report on the outcome of the technical meeting to the Commission on Human Rights at its forty-ninth session;

(e) Decided to conduct the opening ceremonies for the International Year for the World's Indigenous People at its forty-seventh session in 1992;

(f) Requested the Commission on Human Rights to convene a meeting of parties participating in the programme and projects of the International Year to assess after the International Year what conclusions could be drawn from the activities.

186. At its forty-eighth session, the Commission adopted resolution 1992/45 entitled "International Year for the World's Indigenous People".

United Nations Voluntary Fund for Indigenous Populations

187. As recommended by Sub-Commission resolution 1984/35 C, Commission resolution 1985/29 and Economic and Social Council resolution 1985/38, the General Assembly, by resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its fifth session from 27 April to 1 May 1992.

Item 16. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

188. By its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

189. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery by its resolution 11 (XXVII) of 21 August 1974. By its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

190. At its fortieth session, the Sub-Commission adopted resolution 1988/31, by which it approved the programme of work of the Working Group for the period 1989-1991. This programme of work included three main themes to be discussed in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991). In addition, at each session, the Working Group would review information received on the status and the implementation of conventions on slavery and slavery-like practices, review developments in other fields of contemporary forms of slavery and consider the recommendations adopted at previous sessions.

191. The Sub-Commission, in its resolution 1989/41, requested, inter alia, the Secretary-General to submit to the Sub-Commission, at its forty-second session, a report on the adoption of children for commercial purposes and on the recruitment of children into governmental and non-governmental armed forces and their participation in hostilities, taking into account the comments of Governments and further information received by him. In the same resolution, the Sub-Commission decided to consider these matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

192. By its resolution 1991/34, the Sub-Commission, at its forty-third session, requested the Working Group to study the possibility of preparing guiding principles for combating the various contemporary forms of slavery and to endeavour to identify the spheres in which such guiding principles could be applied.

193. At its forty-eighth session, the Commission adopted resolution 1992/47 in which it encouraged the Sub-Commission once again to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Slavery Conventions on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37).

194. The Working Group on Contemporary Forms of Slavery held its seventeenth session from 4 to 13 May 1992, at Geneva. At the present session, the Sub-Commission will have before it the report of the Working Group (E/CN.4/Sub.2/1992/34).

United Nations Trust Fund on Contemporary Forms of Slavery

195. By its resolution 46/122 of 17 December 1991, the General Assembly, at its forty-sixth session, decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution.

196. By its resolution 1992/46, the Commission, at its forty-eighth session, requested the Secretary-General to appoint, in accordance with General Assembly resolution 46/122, a board of trustees.

Exploitation of child labour and debt bondage

197. At its forty-second session, the Sub-Commission, in resolution 1990/30, requested the Commission to authorize it to consider the possibility of updating Mr. Abdelwakhab Bouhdiba's study on child labour (E/CN.4/Sub.2/479) submitted to the Sub-Commission at its thirty-fourth session in 1981, and in resolution 1990/31 endorsed a programme of action for the elimination of the exploitation of child labour.

198. By its resolution 1991/55, the Commission endorsed the views expressed by the Sub-Commission on the need to adopt a concerted programme of action and decided to transmit the draft submitted by the Sub-Commission in resolution 1990/31 to Governments and international organizations for their comments. It requested the Secretary-General to submit a report of the replies received to the Commission at its forty-eighth session, at which time the Commission would examine the draft programme along with the report of the Secretary-General.

199. By its resolution 1991/34, the Sub-Commission, at its forty-third session, reiterated its request to the Commission to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Abdelwahab Bouhdiba's report and to extend that study to the problem of debt bondage; and requested the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the elimination of the exploitation of child labour pursuant to Commission on Human Rights resolution 1991/55 of 6 March 1991.

200. By its resolution 1992/74, the Commission, at its forty-eighth session, decided to submit to the Sub-Commission the draft programme of action on the elimination of the exploitation of child labour (E/CN.4/1992/45, annex) so that it could make the necessary changes taking into account the comments received. It requested the Sub-Commission to give the utmost priority to the re-elaboration of this draft programme of action so that it might be approved by the Commission at its forty-ninth session.

Sale of children, child prostitution and child pornography

201. Based on the recommendation of the Sub-Commission contained in its resolution 1989/42, the Commission on Human Rights, by its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Special Rapporteur, in fulfilling his mandate, was invited to take account of the need to be in a position to use any credible and reliable information made available to him, to request the Governments concerned to state their views and comment on any information he intended to include in his report and to carry out his task with discretion and independence. The Special Rapporteur was further requested to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, along with his conclusions and recommendations.

202. The Sub-Commission, in its resolution 1990/30, welcomed the appointment of the Special Rapporteur, Mr. Vitit Muntarbhorn, for a term of two years and invited him to examine ways and means of cooperating with the Working Group on Contemporary Forms of Slavery. The Commission, by its resolution 1991/58, endorsed the invitation of the Sub-Commission.

203. By its resolution 1991/54, the Commission decided to refer to the Sub-Commission the draft programme of action for prevention of sale of children, child prostitution and child pornography so that it might make the necessary amendments thereto in the light of opinions received from Governments and organizations contained in the report of the Secretary-General (E/CN.4/1991/50 and Add.1). The Commission requested the Sub-Commission fully to reflect the 10-point programme of the World Declaration on the Survival, Protection and Development of Children (see E/CN.4/1991/59, annex, para. 20) adopted by the World Summit for Children on 30 September 1990, and to give the highest priority to the reformulation of the draft programme so that it might be adopted by the Commission at its forty-eighth session.

204. By its resolution 1991/34, the Sub-Commission recommended that the Commission should extend the mandate of the Special Rapporteur beyond 1991.

205. By its resolution 1992/74, the Commission, at its forty-eighth session, adopted the Programme of Action for the prevention of the sale of children, child prostitution and child pornography submitted by the Sub-Commission. In the same resolution, it decided to extend the mandate of the Special Rapporteur for a further three years, invited the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery and other competent United Nations bodies dealing with questions covered by his mandate and, to this effect, invited him to participate in the next session of that Working Group.

Child soldiers

206. In its resolution 1990/30, the Sub-Commission welcomed the decision of the Working Group on Contemporary Forms of Slavery to place this subject on the agenda for its sixteenth session.

207. By its resolution 1991/34, the Sub-Commission, at its forty-third session, requested the Secretary-General to update his report on the recruitment of children into governmental and non-governmental armed forces (E/CN.4/Sub.2/1990/43 and Add.1 and 2) on the basis of information provided by Governments, the specialized agencies, relevant United Nations organs and regional and intergovernmental organizations concerned, and to submit it to the Sub-Commission at its forty-fourth session.

208. At the present session, the Sub-Commission will have before it the updated report of the Secretary-General (E/CN.4/Sub.2/1992/35).

Item 17. Promotion, protection and restoration of human rights at national, regional and international levels

Sub-item (a) Prevention of discrimination and protection of children: human rights and youth

209. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

210. At its thirty-eighth session, the Sub-Commission, by its resolution 1985/12, referring, inter alia, to Commission resolution 1985/13, requested Mr. Dumitru Mazilu to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work, in order to facilitate the Sub-Commission's discussion of the topic.

211. The Sub-Commission considered the question of the availability of the study of the Special Rapporteur at some length at its fortieth and forty-first sessions, adopting resolutions 1988/37 and 1989/45. It will be recalled that the personal situation of the Special Rapporteur, Mr. Mazilu, was the subject of consideration by the Commission on Human Rights and the Economic and Social Council. At the request of the latter, the International Court of Justice gave an advisory opinion on 15 December 1989 on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission (see E/1990/15/Add.1).

212. At its forty-second session, having considered the updated report of the Special Rapporteur, the Sub-Commission decided, by resolution 1990/32, to request Mr. Mazilu to update and complete his report and to present it at the forty-third session of the Sub-Commission. The Special Rapporteur submitted his progress report (E/CN.4/Sub.2/1991/42) to the forty-third session.

213. The Commission on Human Rights, by its resolution 1991/64, reaffirmed the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all, as well as the fact that youth attached crucial importance to the promotion of international peace and cooperation and the enjoyment of human rights and fundamental freedoms.

214. By its resolution 1991/21, the Sub-Commission, at its forty-third session, recommended to the Commission to recommend to the Economic and Social Council to decide to invite the Special Rapporteur to update his report in the light of the suggestions made at the forty-third session of the Sub-Commission, giving special attention to the problems of underdevelopment, unemployment, the right to conscientious objection to military service and children in prison throughout the world. The Commission, at its forty-eighth session, adopted resolution 1992/49 containing that recommendation.

215. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/36).

Sub-item (b) Prevention of discrimination and protection of women

216. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda a sub-item on the prevention of discrimination and protection of women.

217. By its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Item 18. Protection of minorities

218. The Sub-Commission, at its fortieth session, by resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

219. At its forty-first session, the Sub-Commission, by resolution 1989/44, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider these issues at its forty-second and future sessions under a separate agenda item. By decision 1990/105, the Commission on Human Rights endorsed the decision of the Sub-Commission to entrust Mr. Eide with the task of preparing a study.

220. In its resolution 1990/5, the Sub-Commission, having considered the report prepared by Mr. Eide (E/CN.4/Sub.2/1990/46), requested him to submit a preliminary report to the Sub-Commission at its forty-third session. It recommended to the Commission on Human Rights that it endorse the working methods proposed by the Special Rapporteur and approve the undertaking of his study. In its resolution 1991/62, the Commission endorsed the recommendation of the Sub-Commission.

221. By its resolution 1991/22, the Sub-Commission, at its forty-third session, requested the Secretary-General to prepare, in cooperation with the Special Rapporteur, the technical meeting of experts on minorities provided for in Commission resolution 1991/62, with a view to it taking place in 1992, and requested the Special Rapporteur to submit an updated report to the Sub-Commission at its forty-fourth session, and his final report at its forty-fifth session. By its decision 1992/112, the Commission approved the requests of the Sub-Commission.

222. The Sub-Commission will note that the Commission, at each session since the thirty-fourth, has established an open-ended working group to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. At its forty-eighth session, the Commission adopted resolution 1992/16 in which it approved the text of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities and recommended that the Economic and Social Council approve the draft declaration and recommend it to the General Assembly for adoption and further action.

223. At the present session, the Sub-Commission will have before it the updated report of Mr. Eide (E/CN.4/Sub.2/1992/37).

Item 19. The right of everyone to leave any country, including his own, and to return to his country

224. The Sub-Commission, by its resolution 1988/39, decided to consider this matter under a separate item of its agenda at its forty-first session.

225. At its forty-first session, by resolution 1989/25, the Sub-Commission decided to establish a sessional working group with a view to preparing a revised version of the draft declaration on the subject.

226. At its forty-second session, by decision 1990/123, the Sub-Commission decided to establish, at its forty-third session, a working group to continue work on the draft declaration. It requested Mr. W. Sadi to prepare the revised version of the draft declaration, on the basis of the discussions in the open-ended working group at its forty-second session and the comments and proposals contained in document E/CN.4/Sub.2/1990/47, to be submitted in 1991 for analysis and discussion by the working group with a view, if possible, to its submission to the Sub-Commission at its forty-third session. It further decided, if appropriate, to invite the Special Rapporteur, Mr. C.L.C. Mubanga-Chipoya, to be present during the meetings of the working group.

227. At its forty-third session, the Sub-Commission had before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional Working Group (E/CN.4/Sub.2/1991/45). By its decision 1991/114, the Sub-Commission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

228. No action was taken by the Commission at its forty-eighth session.

Item 20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fifth session of the Sub-Commission

229. The Economic and Social Council, by its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

230. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the forty-fourth session, a note containing a draft provisional agenda for the forty-fifth session, together with information concerning the documentation relating thereto E/CN.4/Sub.2/1992/L.1).

Item 21. Adoption of the report on the forty-fourth session

231. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session. In this connection, the Sub-Commission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees of the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69. This resolution and the revised guidelines are available for consultation in the Secretariat.

Annex

MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Mr. Miguel Alfonso Martínez	(Cuba)
*Ms. Marianela Ferriol Echevarría	
Mr. Awn Shawkat Al-Khasawneh	(Jordan)
*Mr. Waleed M. Sadi	
Ms. Judith Sefi Attah	(Nigeria)
*Mrs. Christy Ezim Mbonu	
Mr. Marc Bossuyt	(Belgium)
*Mr. Guy Genot	
Mr. Volodymr Boutkevitch	(Ukraine)
*Mr. Olexandre Kouptchichine	
Ms. Linda Chavez	(United States of America)
*Mr. Robert J. Portman	
Mr. Stanislav Valentinovich Chernichenko	(Russian Federation)
*Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
*Mr. Alexis Heraclides	
Mr. Leandro Despouy	(Argentina)
*Mr. Juan Carlos Hitters	
Mr. Asbjørn Eide	(Norway)
*Mr. Jan Helgessen	
Mr. El Hadji Guissé	(Senegal)
*Mr. Ndary Toure	
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	
Mr. Muksum-Ul-Hakim	(Bangladesh)
*Mr. Tofazzal Hossain Khan	
Mr. Claude Heller	(Mexico)
*Mr. Hector Fix Zamudio	
Mr. Louis Joinet	(France)
*Mr. Alain Pellet	

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* Alternate.

Mr. Ahmed Khalifa	(Egypt)
*Mr. Ahmed Khalil	
Ms. Fatma Zohra Ksentini	(Algeria)
*Ms. Farida Aiouaze	
Mr. Ioan Maxim	(Romania)
*Mr. Petru Pavel Gavrilescu	
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)
*Mr. John Merills	
Mr. Saïd Naceur Ramadhane	(Tunisia)
*Mr. Abdelfettah Amor	
Mr. Rafael Rivas Posada	(Colombia)
*Mr. Eduardo Suescún Monroy	
Mr. Gilberto Vergne Saboia	(Brazil)
*Ms. Marília S. Zelner Gonçalves	
Mr. Rajindar Sachar	(India)
Mr. Jin Tian	(China)
*Mr. Daode Zhan	
Ms. Halima Embarek Warzazi	(Morocco)
*Mr. Mohamed Benkaddour	
Mr. Fisseha Yimer	(Ethiopia)